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09/989,069	11/21/2001	Toshiyuki Ishino	F-11770	9749

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EXAMINER

ABEL JALIL, NEVEEN

ART UNIT PAPER NUMBER

2175

DATE MAILED: 12/04/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/989,069

Applicant(s)

ISHINO, TOSHIYUKI

Examiner

Neveen Abel-Jalil

Art Unit

2175

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 11/21/2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. The following title is suggested:

Information distributing method and system using IC Card and customer attributes.

### *Claim Rejections - 35 USC § 112*

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 5, 13, and 18 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

The claimed recitation of "IC Card" claimed in claim 5, line 2, claim 13, line 2, and claim 18, line 2 is subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. On page 2, lines 5-6, the specification mention the term "IC card". However, the specification does not define or describe what is "IC card." It is unclear to the Examiner as what is the difference between "smart card" and "memory card" and "IC card"?

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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5. Claims 5, 13, and 18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claimed recitation of "IC Card" claimed in claim 5, line 2, claim 13, line 2, and claim 18, line 2 is indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is unclear to the Examiner how "IC card" is unambiguous, unclear, and therefore render the claim indefinite.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Itakura et al. (U.S. Patent No. 6,356,893 B1).

As to claim 1, Itakura et al. discloses an information distributing system, comprising:

an information distributor side device (See column 12, lines 35-52); and

a plurality of audience side terminal unit;

wherein said information distributor side device comprises (See column 6, lines 1-22):

a database for storing a plurality of sets of provided information and seller side information, said seller side information representing attributes of an audience to which an information provider wants to distribute said provided information (See column 7, lines 1-23);

and a transmitting means for distributing said plurality of sets to said plurality of audience side terminal units, and wherein each of said plurality of audience side terminal units (See column 6, lines 1-22) comprises:

receiving means for receiving said plurality of sets from said information distributor side device (See column 7, lines 24-52);

comparing means for comparing each item of said seller side information of each set with each item of buyer side information that represents attributes of an audience who has the audience side terminal unit (See column 7, lines 24-34); and

selecting means for selecting the provided information paired with the seller side information of which the number of matched items with said buyer side information is the maximum (See column 12, lines 7-46).

As to claim 2, Itakura et al. discloses wherein the provided information is an advertisement (See column 2, lines 10-31).

As to claim 3, Itakura et al. discloses wherein said seller side information contains as items at least one of the area, zip code, telephone area code, sex, age range, occupation, and hobby of an audience to which the information provider wants to provide said provided

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information (See column 7, lines 8-23).

As to claim 4, Itakura et al. discloses wherein said buyer side information contains as items at least one of the area, zip code, telephone area code, sex, age range, occupation, and hobby of an audience who receives said provided information (See column 7, lines 24-47).

As to claim 5, Itakura et al. discloses wherein said buyer side information is stored in an IC card attached to said audience side terminal unit (See column 16, lines 9-25).

As to claim 6, Itakura et al. discloses an information distributor side device, comprising:  
a database for storing a plurality of sets of provided information and seller side information, said seller side information representing attributes of an audience to which an information provider wants to distribute said provided information (See column 2, lines 12-51);  
and

a transmitting means for distributing said plurality of sets to a plurality of audience side terminal units (See column 2, lines 61-67, and see column 3, lines 1-24).

As to claim 7, Itakura et al. discloses wherein the provided information is an advertisement (See column 2, lines 10-31).

As to claim 8, Itakura et al. discloses wherein said seller side information contains as items at least one of the area, zip code, telephone area code, sex, age range, occupation, and

hobby of an audience to which the information provider wants to provide said provided information (See column 7, lines 8-23).

As to claim 9, Itakura et al. discloses an audience side terminal unit, comprising:

receiving means for receiving a plurality of sets of provided information and seller side information from an information distributor side device (See column 7, lines 24-52), said seller side information representing attributes of an audience to which an information provider wants to distribute said provided information (See column 7, lines 24-52);

comparing means for comparing each item of said seller side information of each set with each item of buyer side information that represents attributes of an audience who has said audience side terminal unit (See column 7, lines 24-34);

and selecting means for selecting provided information paired with the seller side information of which the number of matched items with said buyer side information is the maximum (See column 12, lines 7-46).

As to claim 10, Itakura et al. discloses wherein the provided information is an advertisement (See column 2, lines 10-31).

As to claim 11, Itakura et al. discloses wherein said seller side information contains as items at least one of the area, zip code, telephone area code, sex, age range, occupation, and hobby of an audience to which the information provider wants to provide said provided

information (See column 7, lines 8-23).

As to claim 12, Itakura et al. discloses wherein said buyer side information contains as items at least one of the area, zip code, telephone area code, sex, age range, occupation, and hobby of an audience who receives said provided information (See column 7, lines 24-47).

As to claim 13, Itakura et al. discloses wherein said buyer side information is stored in an IC card attached to said audience side terminal unit (See column 16, lines 9-25).

As to claim 14, Itakura et al. discloses an information distributing method, comprising the steps of:

storing a plurality of sets of provided information and seller side information to a database of an information distributor side device, said seller side information representing attributes of an audience to which an information provider wants to distribute said provided information (See column 7, lines 1-34);

distributing said plurality of sets from said information distributor side device to a plurality of audience side terminal units (See column 6, lines 23-49);

causing each of said plurality of audience side terminal units to receive said plurality of sets from said information distributor side device (See column 6, lines 1-13);

causing each of said plurality of audience side terminal units to compare each item of said seller side information of each set and each item of buyer side information that represents



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attributes of an audience who has each of said plurality of said audience side terminal units (See column 7, lines 24-34); and

causing each of said plurality of audience side terminal units to select provided information paired with the seller side information of which the number of matched items with said buyer side information is the maximum (See column 7, lines 35-52).

As to claim 15, Itakura et al. discloses wherein the provided information is an advertisement (See column 2, lines 10-31).

As to claim 16, Itakura et al. discloses wherein said seller side information contains as items at least one of the area, zip code, telephone area code, sex, age range, occupation, and hobby of an audience to which the information provider wants to provide said provided information (See column 7, lines 8-23).

As to claim 17, Itakura et al. discloses wherein said buyer side information contains as items at least one of the area, zip code, telephone area code, sex, age range, occupation, and hobby of an audience who receives said provided information (See column 7, lines 24-47).

As to claim 18, Itakura et al. discloses wherein the buyer side information is stored in an IC card attached to the audience side terminal unit (See column 16, lines 9-25).

### ***Conclusion***

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8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Suzuki et al. (U.S. Patent No. 5,715,448) teaches open database system wherein access by subscribers to a network is limited.


9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Neveen Abel-Jalil whose telephone number is 703-305-8114.

The examiner can normally be reached on 8:00AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dov Popovici can be reached on 703-305-3830. The fax phone number for the organization where this application or proceeding is assigned is 703-746-7239.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Neveen Abel-Jalil  
November 26, 2003

  
**CHARLES RONES**  
**PRIMARY EXAMINER**